

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 223 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

LAKHPATSING SUJANSING RAJPUT

Versus

COMMISSIONER OF POLICE

Appearance:

MR ASIM J PANDYA for Petitioner

MS HANSABEN PUNANI AGP for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 13/08/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective parties.

2. The petitioner challenges the order of preventive detention dated 25th November, 1998 made by the Commissioner of Police, Ahmedabad City, under the powers

conferred upon him under Sub-section 1 of Section 3 of the Gujarat Prevention of Anti-Social Activities Act, 1985 [hereinafter referred to as, 'the Act'].

3. The petitioner is alleged to be a 'bootlegger' within the meaning of Section 2 (b) of the Act and his activities are found to be prejudicial to the maintenance of 'public order'. A prohibition offence has been registered against the petitioner on 17th November, 1998 which is pending for investigation. In the said case, a huge quantity of foreign liquor was recovered from the possession of the petitioner. The petitioner is alleged to be a driver of the truck in which the aforesaid quantity of liquor was being transported. The two persons, on the assurance of anonymity, have given statements in respect of the nefarious activities of the petitioner and its adverse effect on the public tranquillity and the even temp of life. The witnesses have particularly narrated the incident that occurred on 4th November, 1998 and 25th October, 1998 respectively. In both the incidents, the witnesses are stated to have been beaten by the petitioner in a public place in a thickly populated area. The petitioner is also alleged to have used weapons for intimidating the people who had gathered at the spot of incidents. On both the occasions, terror and a feeling of insecurity were created, disturbing the even tempo of life.

4. In the offences referred to hereinabove, the petitioner and one another - Raghunathsing Hajarising Chaudhary are the accused persons. Both of them have been detained under the Act under the orders made on 25th November, 1998. The said Raghunathsing had challenged the order of detention in Special Civil Application No. 224 of 1999. The said petition came up for hearing before me on 10th August, 1999.. Having heard the concerned advocates, the said petition was dismissed. It is not disputed that the present petitioner is similarly situated as the petitioner in Special Civil Application No. 224 of 1999 and has been detained on the same grounds and on the same evidence.

5. For the reasons recorded in the judgment and order dated 10th October, 1998, delivered in Special Civil Application No. 224 of 1999, this petition is dismissed. Rule is discharged.

Prakash*